

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**2010 CHEVRLET MALIBU, VIN:  
1G1ZC5EB0AF149618,**

**Defendant.**

**Case No.**

**COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, the United States of America, by its attorneys, Timothy A. Garrison, United States Attorney for the Western District of Missouri, and Amy B. Blackburn and Stacey Perkins Rock, Assistant United States Attorneys, in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure, alleges as follows:

**NATURE OF THE ACTION**

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881(a)(4).

**THE DEFENDANT IN REM**

2. On April 20, 2015, law enforcement seized the 2010 Chevrolet Malibu, VIN: 1G1ZC5EB0AF149618, from Jose Angel Gonzalez-Leon in Raytown, Missouri. It is presently in the custody of the United States Marshals Service in Kansas City, Missouri.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action pursuant to 21 U.S.C. § 881(a)(4).

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1355(b)(1)(B), incorporating 21 U.S.C. § 881(j), because a criminal prosecution of the owner of the property has been brought in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 21 U.S.C. § 881(j), because a criminal prosecution of the owner of the property has been brought in this district.

### **BASIS FOR FORFEITURE**

6. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it is a vehicle which was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

### **FACTS**

7. In May 2014, the Kansas City, Missouri Police Department began an investigation of the drug trafficking organization of Kenneth Hibbert, who was distributing methamphetamine in the Kansas City metropolitan area and elsewhere.

8. Investigators determined that Hibbert sold methamphetamine to, and brought methamphetamine from Benjamin McDaniel.

9. Investigators identified Yadieras Contreras as McDaniel's methamphetamine source.

10. Beginning in approximately 2013, Contreras obtained methamphetamine from Roberto Duran who resided in Arizona.

11. Beginning sometime in 2014, Jose Gonzalez-Leon, working with Duran, delivered at least ten pounds of methamphetamine at a time to Contreras in Kansas City, Jackson County, Missouri on multiple occasions.

12. On January 5, 2015, a Kansas State Highway Patrol Trooper arrested Jose Gonzalez-Leon on westbound Interstate 70 near Maple Hill, Kansas. Troopers located and seized approximately \$30,000 from the vehicle driven by Gonzalez-Leon.

13. On April 20, 2015, investigators learned that Contreras would be receiving a shipment of methamphetamine later that day at a garage behind Fun House Pizza in Raytown, Jackson County, Missouri. The delivery vehicle was identified as a newer model Chevrolet Malibu with Nebraska license plates. A vehicle matching that description with a Nebraska license plate had previously delivered methamphetamine to Contreras' residence several times between approximately February 2, 2015, and April 1, 2015. Investigators learned that the drugs would be concealed in a hidden compartment of the Chevrolet Malibu that could be accessed by removing the rear tire on the vehicle. Duran was expected to make the shipment to Contreras.

14. On April 20, 2018, Investigators observed the Chevrolet Malibu and a Dodge Challenger arrive at the same time at Fun House Pizza. The cars first parked near each other but then each moved and parked in separate areas in the Fun House Pizza parking lot.

15. After the driver of the Dodge went inside Fun House Pizza, a Raytown, Missouri Police Officer arrested him. Officers later identified Duran as the driver.

16. When officers searched Duran incident to his arrest, Duran asked why he was being arrested. When the officer said it was for a narcotics investigation, Duran uttered, "But I got nothing on me, it's in the car only." The key to the Dodge was in Duran's pocket.

17. Officers arrested the driver of the Chevrolet Malibu parked in front of Fun House Pizza. Officers identified the driver as Jose Gonzalez-Leon.

18. Officers then examined the rear driver's side fender well of the Chevrolet Malibu. Two of the plastic fasteners that hold the inner plastic fender well onto the car were loose and one was missing. Additionally, there were apparent finger marks and a light blue substance that looked like "Bondo" on the inner plastic fender well indicating the Chevrolet Malibu may have a hidden compartment.

19. A tow truck towed the Chevrolet Malibu to a secure Independence, Missouri Police Department garage.

20. Once at the garage, a certified K-9 conducted a canine sniff of the exterior of the Chevrolet Malibu. The K-9 gave a positive alert at the rear driver's side wheel well of the Chevrolet Malibu and a final indication by

scratching on the gas cap door on the rear passenger quarter panel, indicating the presence or odor of a controlled substance.

21. Law enforcement searched the Chevrolet Malibu pursuant to a federal search warrant. Investigators located a hidden compartment behind the driver's side rear wheel and plastic wheel well lining. The compartment had a small metal plate covering the opening with a blue putty-like substance holding it in place. Officers located fifteen bundles of a substance wrapped in black plastic wrap. Later testing by the Drug Enforcement Administration North Central Laboratory identified the substance as 6,647 grams of methamphetamine.

22. On March 30, 2016, a federal grand jury issued a forty-five count Indictment against Roberto W. Duran, Jose Angel Gonzalez-Leon, Yadieras Y. Contreras, Benjamin H. McDaniel, Kenneth F. Hibbert and others, for conspiracy to distribute 500 grams or more of methamphetamine, distribution of methamphetamine, possession with intent to distribute methamphetamine, unlawful drug user with a firearm, and possessing a firearm in relation to a drug trafficking crime. *See United States v. David F. Bushdiecker, et al.*, Case No. 15-00083-CR-W-DGK (W.D. Mo.).

23. On November 20, 2017, pursuant to a plea agreement, Roberto W. Duran entered a guilty plea to Count One and Count Thirty-Four of the Indictment, that is, conspiracy to distribute 500 grams or more of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846 and possession to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

24. On November 27, 2017, pursuant to a plea agreement, Jose Gonzalez-Leon entered a guilty plea to Count One, that is, conspiracy to distribute 500 grams or more of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846.

25. On June 29, 2018, the court sentenced Roberto W. Duran to 175 months incarceration.

26. On June 29, 2018, the court sentenced Jose Angel Gonzalez-Leon to 36 months incarceration.

### **CLAIM FOR RELIEF**

27. Plaintiff repeats and incorporates by reference the paragraphs above.

28. By the foregoing and other acts, the defendant 2010 Chevrolet Malibu, VIN: 1G1ZC5EB0AF149618, was used, or intended to be used to transport or to facilitate the transportation of methamphetamine and therefore, is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(4).

WHEREFORE the United States prays that the defendant property be forfeited to the United States, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

Timothy A. Garrison  
United States Attorney

By: /s/ Amy B. Blackburn  
Amy B. Blackburn, MO#48222  
Assistant United States Attorney  
400 E. 9<sup>th</sup> Street, Fifth Floor  
Kansas City, Missouri 64106  
Telephone: (816) 426-3122  
E-mail [amy.blackburn@usdoj.gov](mailto:amy.blackburn@usdoj.gov)

Stacey Perkins Rock, #66141  
Assistant United States Attorney  
Telephone: (816) 426-3122  
E-mail [stacey.perkins-rock@usdoj.gov](mailto:stacey.perkins-rock@usdoj.gov)

### **VERIFICATION**

I, Special Agent Matthew Wilson, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, that I have read the foregoing Verified Complaint in Rem and know the contents thereof, and that the factual matters contained in paragraphs seven through nineteen of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated September 26, 2018

/s/ Matthew Wilson  
Matthew Wilson  
Special Agent  
United States Bureau of  
Alcohol, Tobacco, Firearms, and  
Explosives



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

**CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

**The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.**

**Plaintiff(s):**

**First Listed Plaintiff:**

United States of America ;

**County of Residence:** Jackson County

**Defendant(s):**

**First Listed Defendant:**

2010 Chevrolet Malibu, VIN:

1G1ZC5EB0AF149618;

**County of Residence:** Jackson County

**County Where Claim For Relief Arose:** Jackson County

**Plaintiff's Attorney(s):**

Assistant United States Attorney Amy B. Blackburn ( United States of America)

United States Attorney's Office

400 E. 9th Street, Fifth Floor

Kansas City, Missouri 64106

**Phone:** 816-426-7173

**Fax:**

**Email:** amy.blackburn@usdoj.gov

**Defendant's Attorney(s):**

United States Attorney's Office

400 E. 9th Street, Fifth Floor

Kansas City, Missouri 64106

**Phone:** 816-426-7173

**Fax:**

**Email:** Stacey.perkins-rock@usdoj.gov

**Basis of Jurisdiction:** 1. U.S. Government Plaintiff

**Citizenship of Principal Parties (Diversity Cases Only)**

**Plaintiff:** N/A

**Defendant:** N/A

**Origin:** 1. Original Proceeding

**Nature of Suit:** 625 Drug-Related Seizure of Property (21 U.S.C. 881)

**Cause of Action:** The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it is a vehicle which was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

**Requested in Complaint**

**Class Action:** Not filed as a Class Action

**Monetary Demand (in Thousands):**

**Jury Demand:** No

**Related Cases:** Is NOT a refiling of a previously dismissed action

---

**Signature:** Amy B. Blackburn

**Date:** 9/20/18

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.